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7 Robert Kochly, Paul Sequeira, Brian Baker, Gene  
8 Greenwald, Darryl Jackson & Paul Mulligan  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
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14 MICHAEL GRESSETT ) Case No.: 3-12-cv-03798 EMC  
15 Plaintiff, )  
16 v. ) **STIPULATION TO SET BRIEFING  
17 CONTRA COSTA COUNTY; CITY OF ) SCHEDULE ON MOTIONS TO DISMISS;  
18 MARTINEZ; ROBERT KOCHLY; PAUL ) CONTINUING CASE MANAGEMENT  
19 SEQUEIRA; BRIAN BAKER; GENE ) CONFERENCE AND ORDER THEREON  
20 GREENWALD; DARRYL JACKSON; )  
21 PAUL MULLIGAN; JON SYLVIA; JOYCE )  
22 BLAIR; WILLIAM DANIEL O'MALLEY; )  
23 TOM MCKENNA; O'MALLEY & )  
24 MCKENNA LAW OFFICE and DOES 1- )  
25 100, )  
26 Defendants. )  
27 \_\_\_\_\_  
28**

29  
30 Plaintiff MICHAEL GRESSETT (“Plaintiff”) and Defendants CONTRA COSTA  
31 COUNTY; ROBERT KOCHLY; PAUL SEQUEIRA; BRIAN BAKER; GENE GREENWALD;  
32 DARRYL JACKSON and PAUL MULLIGAN (“County Defendants”); Defendants CITY OF  
33 MARTINEZ and JON SYLVIA (“Martinez Defendants”); Defendant JOYCE BLAIR  
34 (“BLAIR”); Defendant WILLIAM DANIEL O'MALLEY (“O’Malley”) and Defendant TOM  
35 MCKENNA (“McKenna”), through their undersigned counsel, hereby stipulate as follows:

36 1. Plaintiff filed his Third Amended Complaint on June 14, 2013.

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1       2. Defendants have met and conferred on their responses to the Third Amended  
2 Complaint. They have agreed that the defendants share many of the same arguments, and to the  
3 extent possible, will incorporate portions of the brief filed by the County Defendants. It will be  
4 necessary to circulate drafts of the brief, which will add to the time necessary to prepare the  
5 motions. However, the coordinated motions will allow each defendant to focus specifically on  
6 arguments that are unique to their positions and reduce the total number of pages of argument  
7 submitted in support of the motions to dismiss.

8           3. Because of prepaid vacations and the demands of other cases, defendants will not  
9 be able to file their coordinated motions until August 6, 2013.

10           4. Plaintiff's counsel has a trial starting September 9, 2013 and another on  
11 September 23 which is estimated to take 60 days.

12       5. The parties therefore respectfully request that the Court order the following  
13 schedule for motions to dismiss the Third Amended Complaint:

- 14                   a.     File motions by August 6, 2013;  
15                   b.     Opposition by August 23, 2013;  
16                   c.     Reply Memoranda by August 30, 2012; and  
17                   d.     Hearing on September 6, 2013.

18       6.      The Case Management Conference is currently set for July 18, 2013. The parties  
19 request that the Conference be continued to a date of the Court's choosing after resolution of the  
20 motions to dismiss.

21 Dated: June 28, 2013

By \_\_\_\_\_ /s/  
Jayme Burns

Attorney for Plaintiff Michael Gressett

1  
2 By \_\_\_\_\_/s/  
3 Todd Boley

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6  
7 Attorney for County Defendants

8 By \_\_\_\_\_/s/  
9 Dale L. Allen, Jr., Dirk D. Larsen & Kevin P.  
Allen

10  
11 Attorney for Defendants City of Martinez and Jon Sylvia

12 By \_\_\_\_\_/s/  
13 James V. Fitzgerald, III, Thomas G. Beatty and  
Petra Bruggisser;

14  
15 Attorney for Defendant Tom McKenna

16 By \_\_\_\_\_/s/  
Austin R. Gibbons & A. Byrne Conley

17  
18 Attorney for Defendant William Daniel O'Malley

19 By \_\_\_\_\_/s/  
20 Kamala D. Harris, John P. Devine, David W.  
Hamilton, and Wilfred T. Fong

21  
22 Attorney for Defendant Joyce Blair

23 **ORDER**

24 The parties having stipulated thereto, IT IS HEREBY ORDERED, ADJUDGED AND  
25 DECREED THAT:

26 1. Defendants shall file their motions to dismiss the Third Amended Complaint by  
27 August 6, 2013;

- 1       2. Plaintiff shall file his Opposition by August 23, 2013;  
2       3. Defendants shall file their Reply Memoranda by August 30, 2012;  
3       4. The hearing on the motions will be held on September 6, 2013; and <sup>19</sup> at 1:30 p.m.  
4       5. The Case Management Conference be taken off calendar and ~~will be reset at date~~  
5 ~~following resolution of the motions to dismiss.~~ is reset for 10/17/13 at 9:00 a.m.

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8       Dated: 7/1, 2013  
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